

112TH CONGRESS  
2D SESSION

# H. R. 4234

To amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2012

Mr. LABRADOR (for himself, Mr. BISHOP of Utah, Mr. COSTA, Mr. GOSAR, Mr. HARRIS, Mrs. LUMMIS, Mrs. NOEM, Mr. REHBERG, Mrs. MCMORRIS RODGERS, Mr. SIMPSON, and Mr. WALDEN) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Grazing Improvement  
5       Act of 2012”.

1 **SEC. 2. TERMS OF GRAZING PERMITS AND LEASES.**

2 Section 402 of the Federal Land Policy and Manage-  
3 ment Act of 1976 (43 U.S.C. 1752) is amended by strik-  
4 ing “ten years” each place it appears and inserting “20  
5 years”.

6 **SEC. 3. RENEWAL, TRANSFER, AND REISSUANCE OF GRAZ-**  
7 **ING PERMITS AND LEASES.**

8 Title IV of the Federal Land Policy and Management  
9 Act of 1976 (43 U.S.C. 1751 et seq.) is amended by add-  
10 ing at the end the following:

11 **“SEC. 405. RENEWAL, TRANSFER, AND REISSUANCE OF**  
12 **GRAZING PERMITS AND LEASES.**

13 “(a) DEFINITIONS.—In this section:

14 “(1) ENVIRONMENTAL ANALYSIS.—The term  
15 ‘environmental analysis’ means an environmental as-  
16 sessment or an environmental impact statement re-  
17 quired under the National Environmental Policy Act  
18 of 1969 (42 U.S.C. 4321 et seq.).

19 “(2) SECRETARY CONCERNED.—The term ‘Sec-  
20 retary concerned’ means—

21 “(A) the Secretary of Agriculture, with re-  
22 spect to National Forest System land; and

23 “(B) the Secretary of the Interior, with re-  
24 spect to land under the jurisdiction of the De-  
25 partment of the Interior.

1       “(b) RENEWAL, TRANSFER, AND REISSUANCE.—A  
2 grazing permit or lease issued by the Secretary, or a graz-  
3 ing permit issued by the Secretary of Agriculture regard-  
4 ing National Forest System land, that expires, is trans-  
5 ferred, or is waived after the date of the enactment of this  
6 section shall be renewed or reissued, as appropriate,  
7 under—

8               “(1) section 402;

9               “(2) section 19 of the Act of April 24, 1950  
10 (commonly known as the ‘Granger-Thye Act’; 16  
11 U.S.C. 580l);

12               “(3) title III of the Bankhead-Jones Farm Ten-  
13 ant Act (7 U.S.C. 1010 et seq.); or

14               “(4) section 510 the California Desert Protec-  
15 tion Act of 1994 (16 U.S.C. 410aaa–50).

16       “(c) TERMS; CONDITIONS.—The terms and condi-  
17 tions contained in an expired, transferred, or waived per-  
18 mit or lease described in subsection (b) shall continue in  
19 effect under a renewed or reissued permit or lease until  
20 the date on which the Secretary concerned completes the  
21 renewed or reissued permit or lease that is the subject of  
22 the expired, transferred, or waived permit or lease, in com-  
23 pliance with each applicable law.

24       “(d) CANCELLATION; SUSPENSION; MODIFICA-  
25 TION.—A permit or lease described in subsection (b) may

1 be cancelled, suspended, or modified in accordance with  
2 applicable law.

3 “(e) COMPLIANCE WITH NATIONAL ENVIRON-  
4 MENTAL POLICY ACT OF 1969.—

5 “(1) IN GENERAL.—The renewal, reissuance, or  
6 transfer of a grazing permit or lease by the Sec-  
7 retary concerned shall be categorically excluded from  
8 the requirement to prepare an environmental anal-  
9 ysis if the decision continues the current grazing  
10 management of the allotment.

11 “(2) APPLICABILITY REGARDING PERMITS AND  
12 LEASES WITH MINOR MODIFICATIONS.—If the re-  
13 newal, reissuance, or transfer of a grazing permit or  
14 lease by the Secretary concerned contains only minor  
15 modifications from the grazing permit or lease that  
16 is the subject of the renewal, reissuance, or transfer,  
17 the grazing permit or lease shall be categorically ex-  
18 cluded from the requirement to prepare an environ-  
19 mental analysis if—

20 “(A) monitoring of the allotment has indi-  
21 cated that the current grazing management has  
22 met, or has satisfactorily progressed towards  
23 meeting, objectives contained in the land and  
24 resource management plan of the allotment, as  
25 determined by the Secretary concerned; and

1           “(B) the decision is consistent with the  
2           policy of the Department of the Interior or the  
3           Department of Agriculture, as appropriate, re-  
4           garding extraordinary circumstances.

5           “(3) APPLICABILITY REGARDING CROSSING AND  
6           TRAILING PERMITS.—Crossing and trailing permits  
7           are an administrative decision and shall be categori-  
8           cally excluded from the requirement to prepare an  
9           environmental analysis.

10          “(f) PRIORITY AND TIMING FOR COMPLETING ENVI-  
11          RONMENTAL ANALYSES.—

12           “(1) IN GENERAL.—Notwithstanding section  
13           504 of the Emergency Supplemental Appropriations  
14           for Additional Disaster Assistance, for Anti-ter-  
15           rorism Initiatives, for Assistance in the Recovery  
16           from the Tragedy that Occurred at Oklahoma City,  
17           and Rescissions Act, 1995 (Public Law 104–19; 109  
18           Stat. 212), the Secretary concerned, in the sole dis-  
19           cretion of the Secretary concerned, shall determine  
20           the priority and timing for completing each required  
21           environmental analysis regarding any grazing allot-  
22           ment, permit, or lease based on the environmental  
23           significance of the allotment, permit, or lease and  
24           available funding for that purpose.

1           “(2) APPLICABILITY.—This subsection shall not  
 2       apply to the renewal, reissuance, or transfer of a  
 3       grazing permit or lease that is categorically excluded  
 4       under subsection (e).”.

5   **SEC. 4. APPLICABILITY OF ADMINISTRATIVE PROCEDURE**  
 6                   **ACT TO GRAZING APPEALS.**

7       (a) FOREST AND RANGELAND RENEWABLE RE-  
 8       SOURCES PLANNING ACT OF 1974.—Section 14 of the  
 9       Forest and Rangeland Renewable Resources Planning Act  
 10      of 1974 (16 U.S.C. 1612) is amended by adding at the  
 11      end the following:

12       “(c) APPLICABILITY OF ADMINISTRATIVE PROCE-  
 13      DURE ACT.—With respect to a decision by the Secretary  
 14      of Agriculture regarding a grazing permit, an appeal by  
 15      a grazing permittee shall be conducted in accordance with  
 16      subchapter II of chapter 5 of title 5, United States Code.”.

17       (b) FEDERAL LAND POLICY AND MANAGEMENT ACT  
 18      OF 1976.—Section 402 of the Federal Land Policy and  
 19      Management Act of 1976 (43 U.S.C. 1752) is amended  
 20      by adding at the end the following:

21       “(i) APPLICABILITY OF ADMINISTRATIVE PROCE-  
 22      DURE ACT.—

23           “(1) SECRETARY CONCERNED.—The term ‘Sec-  
 24      retary concerned’ means—

1           “(A) the Secretary of Agriculture, with re-  
2           spect to National Forest System land; and

3           “(B) the Secretary of the Interior, with re-  
4           spect to land under the jurisdiction of the De-  
5           partment of the Interior.

6           “(2) APPLICABILITY OF ADMINISTRATIVE PRO-  
7           CEDURE ACT.—With respect to a decision by the  
8           Secretary concerned regarding a grazing permit or  
9           lease, an appeal by a grazing permittee shall be con-  
10          ducted in accordance with subchapter II of chapter  
11          5 of title 5, United States Code.

12          “(3) DEADLINE FOR FILING APPEALS.—An ap-  
13          peal made under this subsection shall be filed not  
14          later than 30 days after the date on which a decision  
15          described in paragraph (2) is made.

16          “(4) SUSPENSION OF DECISIONS.—

17                 “(A) IN GENERAL.—Except as otherwise  
18                 provided in this subsection, each decision by the  
19                 Secretary concerned regarding a grazing permit  
20                 or lease that is appealed under this subsection  
21                 shall be suspended until the date on which the  
22                 appeal is resolved.

23                 “(B) DETERMINATION BY SECRETARY  
24                 CONCERNED.—A decision described in subpara-  
25                 graph (A) may not be suspended if the Sec-

1           retary concerned (including any other author-  
2           ized official) determines there is an emergency  
3           regarding a deterioration of resources.

4           “(5) CONTINUED USE OF GRAZING PERMIT OR  
5           LEASE.—Except in a situation in which grazing use  
6           for the preceding year was authorized on a tem-  
7           porary basis, an applicant who was granted grazing  
8           use in the preceding year may continue at the level  
9           of authorized active use until the date on which the  
10          appeal is resolved.”.

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